

1 Q Who was that?

2 A Lynn Nerenbaum, the Underwriting
3 Coordinator.

4 Q Okay. But in terms of the announcers that
5 you had mentioned they all had some kind of Civil
6 Service classification?

7 A Yes, they were all classified.

8 Q Okay. The program guide though mentions
9 them as volunteer personnel?

10 A Yes, there's some overlap between the
11 previous group and the next group.

12 Q Now you had mentioned before that Alan
13 Farley was full-time, but then when you mentioned his
14 name here, he was part-time, did his situation change
15 from the time you first met him until the January,
16 February?

17 A No, I don't remember saying that Alan
18 Farley was a part-time.

19 Q Oh, okay. So at this point in time, he's
20 still full-time?

21 A Yes.

22 Q What are the "Friends of KALW," what is

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1 that?

2 A That was a group of people who went out as
3 best as possible to help us raise funds from the
4 community, like, they would go out and speak on behalf
5 of the station or major donors to the station. So they
6 were very good friends of the station.

7 Q Friends in terms of bringing money in?

8 A Yes.

9 Q Okay. Then finally, it has KALW
10 volunteers?

11 A Yes, it looks like these people weren't
12 necessarily volunteering on air. These were people
13 who were the folks who helped us, again, answer the
14 phones, stuff envelopes, answer the telephones during
15 the pledge drives. That type of work, front office
16 work or back office work.

17 Q And those persons included?

18 A Nancy Denney-Phelps, Paul Fey, Dan
19 Gunning, Susan Hecht, Joan Helgeson, Betty de Losada,
20 Irene Mattei, Martin McClain, Ed Olsen, Sonya Rodolfo-
21 Sioson and Georgiana Scott.

22 Q Now all the people who were volunteers,

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1 were they individuals who were familiar to you?

2 A No, I didn't know all of them.

3 Q Which of these people did you know?

4 A I was familiar with Paul Fey, Dan Gunning,
5 Susan Hecht, Joan Helgeson, the others I don't
6 remember.

7 Q I'll try to un-clutter your space a little
8 bit.

9 JUDGE SIPPEL: Let me just ask a little
10 bit of explanation here. This is called a program
11 guide, what is the purpose of a program guide?

12 THE WITNESS: The program guide was -- you
13 can see it's over 20 pages long. It included the
14 daily program listing for the programs that we aired
15 on the station. It would include the title of the
16 program, a brief description of what the program was
17 about. Who the guest might be, if we knew in advance
18 since it covered a three month period.

19 JUDGE SIPPEL: Did they come out every
20 three months?

21 THE WITNESS: Yes.

22 JUDGE SIPPEL: Then were they provided to

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1 subscribers or to --

2 THE WITNESS: Oh yes, we would send this
3 to all of our ten thousand members, we would also
4 distribute them around town. Yes, that was the base
5 audience for us.

6 JUDGE SIPPEL: All right, thank you.

7 BY MR. SHOOK:

8 Q Now for the persons who worked as part-
9 time announcers, typically, how often would they work
10 in a given week?

11 A For the ones that were regularly
12 scheduled, every weekday, like say, for instance, Joe
13 Burke was the, or is the Morning Edition host. So he
14 would come in every day from five to nine to host
15 Morning Edition. Michael Johnson would come in mostly
16 regular, and he would help us out in the middle part
17 of the day.

18 Then Alan Farley would -- he would be
19 full-time and cover the next eight hour shift, and
20 then Joann Mar would cover the next eight hour shift.
21 The rest of them were all again scheduled as needed.

22 Q So what typically would Mr. Farley's shift

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1 be?

2 A If I remember right, Alan was working the
3 nine to five, a regular nine to five day. He would be
4 on the air -- I considered him -- he was my All Things
5 Considered host. So he -- I remember him being on the
6 air from three to six.

7 Then he wouldn't always be on air, he'd be
8 doing production, say for instance, producing segments
9 for arts and culture program or recording programs,
10 doing the operating part, operating the station,
11 recording programs, filing tapes, recording
12 interviews, and then going on air and hosting the
13 program.

14 Q And Joann Mar's hours, what typically were
15 they?

16 A I remember she was on the air in the
17 evening. We would automate at midnight, so she was
18 out by midnight. I kind of remember her starting her
19 shift at six. So she would come in a couple of hours
20 early and do whatever she would need to do to prepare,
21 record programs. Yes, that kind of work.

22 Q What was generally the dividing line

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1 between somebody who was considered full-time and
2 somebody who was considered part-time in terms of the
3 number of hours per week that they would work?

4 A I think I was hired as full-time being 40
5 hours and part-time being less than that.

6 Q Now your day typically would bring you to
7 the office approximately when, and you would stay
8 until approximately when?

9 A At the station, I would probably get there
10 around 8:30 leave around -- try to leave around 5:30,
11 six o'clock. That's what I would aim for.

12 Q Typically, Monday through Friday?

13 A Typically, Monday through Monday, I was
14 living on my own in San Francisco at the time. So
15 sometimes I'd come in on the weekends because I didn't
16 have anything to do.

17 JUDGE SIPPEL: In San Francisco?

18 Q In other words, it wasn't expected of you
19 to come in on the weekends?

20 A No, I don't think it was expected for me
21 to come in on the weekends.

22 Q About how long after you became General

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1 Manager did you meet the station's Chief Engineer,
2 Dave Evans?

3 A I don't remember exactly when I first met
4 him. I would have met him quite soon though because
5 the construction of the new station, and the planning
6 for the relocation or the move was already underway by
7 the time I arrived. I would have had to consult with
8 him immediately with respect to the technical build
9 out and the construction of the station.

10 Q In terms of the construction of the new
11 station, this was something that was already basically
12 planned before you arrived?

13 A Yes, and in fact, some of the old space --
14 some of the new space had already been demolished in
15 preparation to start the construction. For instance,
16 the contractor was already in place. So the job had
17 already started. But it wasn't very far along.

18 Q So what typically would you have to do in
19 order to be involved overseeing the project?

20 A I would have to meet regularly with the
21 main contractor, and then meet with the sub-
22 contractors and do what I needed to do to move them

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1 along, because we were up against a deadline to move
2 out of the old station, because it was set to be
3 demolished so they could start building the new school
4 at that site.

5 I can remember things like, one of the
6 sub-contractors went out of business during the
7 construction. So their portion of the construction --
8 even by the time we moved into the new station wasn't
9 yet complete, so even after we moved in we were still
10 building the station.

11 The new station was far enough along so
12 that we could move in and start broadcasting, but in
13 a lot of other respects the office working spaces
14 still were under construction. So I would be involved
15 in that way.

16 I would be involved in, for lack of a
17 better term, mediating a disagreement that the
18 engineer would have with the contractor with respect
19 to small things, I guess they were actually large
20 things, like how many inches of sub-floor should be in
21 place so that the appropriate wiring could be run
22 through. There were those type of things.

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1 Q During your tenure as General Manager,
2 about how often would you interact with Dave Evans?

3 A During the construction of the station and
4 then after we moved in, it would be quite regular, so
5 I'm sure that not a week went by when the two of us
6 weren't meeting over at the new station to look at the
7 progress or over at the old station, talking about
8 what we need to do to keep things moving forward.

9 Q What kind of distance is there between
10 where you were when you first started and where you
11 moved to?

12 A Probably about a good six mile drive.

13 Q Would you and Mr. Evans drive over
14 together?

15 A I don't remember us ever driving over
16 together. We would meet there or he would already be
17 there or I would already be there.

18 Q When you went back and forth, were you
19 driving or were you taking public transportation? How
20 did you get back and forth?

21 A I was driving.

22 Q How would you describe your relationship

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1 with Dave Evans?

2 A It wasn't the best relationship. I mean,
3 I relied heavily on Dave's engineering background. I
4 mean, I needed to. I know enough of engineering to
5 know when I'm being told something that doesn't sound
6 that right, because from my experience at KPBS, I
7 worked in the Master Control area, which was
8 supervised by the Engineering Department.

9 So I had -- I knew enough to know when
10 something was going wrong or something I was being
11 told was terribly incorrect. I would say that my
12 relationship with Dave wasn't terribly great, because
13 most of the time he seemed to be impatient with me.
14 Like I said in my declaration back in 1998, quite
15 often he seemed to be hostile, seemed to be angry and
16 impatient.

17 Q Was he just an angry man as far you could
18 tell?

19 A As far as I could tell, he just seemed to
20 be upset all the time.

21 Q Now did he have any physical problems that
22 you were aware of?

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1 A I was aware, but I was never told by him
2 directly that he had AIDS, but I completely respect
3 someone's personal privacy, and there's what I know
4 and there's what I'm being told directly. He never
5 told me directly, but there was just an awareness that
6 Dave, at the time, had AIDS.

7 Q Now did his physical problems, whatever
8 they may have been, result in his being away from work
9 with any regularity?

10 A He was away regularly, but I was confident
11 that the transmitter was on the air because I could
12 check that any time of the day. When it was -- and
13 then when the transmitter did go off the air, he
14 pretty reliably would go to the transmitter site,
15 which was at a third location away from the station
16 and we would be on the air quite soon. Or he would
17 take the appropriate action to broadcast directly from
18 the transmitter site to make sure that we were on the
19 air.

20 I really appreciated that. Again, I knew
21 enough about engineering and broadcast equipment and
22 production equipment and the satellite demodulators

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1 back in the report area to know, yes, it looks like
2 things are in order.

3 Q Now would it be correct to state that most
4 of your interaction with Dave Evans concerned
5 engineering matters?

6 A Yes, my expectations from Dave were that
7 the engineering shop, the studios, the transmitter
8 were in operating order.

9 Q So as a general matter, was Dave Evans
10 more concerned with the sound of the programming or
11 its content?

12 A Did you ask me if Dave was concerned?

13 Q Yes.

14 A I don't know what his take on the sound of
15 programming and the content was. I know that he was
16 very conscientious about "Are we on the air or off the
17 air?" The transmitter was his baby.

18 Q So you would think of him as a
19 conscientious worker?

20 A He knew engineering. He was a member of
21 the Bay Area's Engineering Society or support group or
22 whatever it would be called at the time. So yes, I

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1 expected that his work in the engineering area was
2 going to be on the ball.

3 Q Did he perform engineering services for
4 any station other than KALW, so far as you knew?

5 A I don't remember.

6 Q Now when I was showing your Exhibit 44,
7 page 303, which you do not have in front of you right
8 now. One of the things that we went over was the
9 names of the people who served as volunteers for the
10 station and you had noted, I believe, that there were
11 four such -- you had named four of them that you were
12 familiar with?

13 A Right.

14 Q Now were those people that you had
15 actually met?

16 A Yes, where I place them is that again, we
17 would use volunteers to do things like answer phones.
18 Greet guests at the front door, and I would walk in
19 the front door, and so the folks who I remember are
20 folks who would do their two or three hour shift there
21 at the front desk, either filling in for Teresa who
22 was the regular, paid part-time front office helper.

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1 That's where I would -- that's where my familiarity
2 with them comes from.

3 Q So over the course of your tenure as
4 General Manager, you would not necessarily have met
5 all of the persons who served as volunteers, and were
6 noted on the program guide as volunteers?

7 A Right, for instance, someone who came in
8 to host as a volunteer, I need a new music program.
9 We wouldn't cross paths. Someone who we had brought
10 in to help stuff envelopes or fulfill membership
11 premiums would be working in a workspace, a couple of
12 offices or a couple of rooms down the hall from the
13 station. Let's say, where the offices were located,
14 so I wouldn't see them.

15 Q Now for those persons who hosted programs,
16 either as staff or as volunteers, you would generally
17 take the time to become familiar with what they did?

18 A Yes, I would listen to the station.

19 Q So you would listen to the programs that
20 the volunteers hosted?

21 A Oh yes.

22 Q You were listening then, not only when you

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1 were at the office, but when you went home you would
2 listen to them as well?

3 A Yes.

4 Q You mentioned something about the station
5 going, was it automated at midnight?

6 A Yes, at midnight, at the time we were
7 carrying -- we would pick up BBC programming and air
8 that from, for the most part, during that automated
9 period, we might have picked up some NPR or PRI
10 programming, but for the most part, it was BBC
11 programming.

12 Q So in terms of the KALW programming that
13 you would be listening to, that would generally start
14 sometime in the morning in the six to eight range and
15 would continue on up until midnight?

16 A Yes, I mean, I felt it my responsibility
17 to listen to the station as much as possible. So I
18 did catch quite a bit of overnight BBC programming.
19 In fact, one of my favorite BBC shows was on at three
20 o'clock in the morning, so I would sometimes listen to
21 that program.

22 Q But you also did get to sleep

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1 periodically, I take it?

2 A Occasionally I'd sleep.

3 Q It's kind of tough to go 24/7 for more
4 than a year?

5 A It's a 24 hour a day station, it's -- got
6 to listen.

7 Q When you became the General Manager of
8 Station KALW, did you have any understanding as to
9 what the FCC's rules were regarding a public
10 inspection file?

11 A No, I didn't. I mean, I generally had
12 some awareness of the station's or any station's
13 relationship with the FCC, but with respect to the
14 regulatory matters, no, I didn't.

15 Q When you became General Manager of KALW,
16 did you even know that the station had a public
17 inspection file?

18 A No, I didn't.

19 Q After you became General Manager of
20 Station KALW, did there come a time when any of the
21 staff or volunteers came to speak with you about the
22 public inspection file?

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1 A Yes, I was reminded in the Dave Evans'
2 affidavit that was attached to the Golden Gate Public
3 Radio petition denied License Renewal that it looks
4 like during one of the meetings that Dave and I would
5 regularly have about the construction of the station,
6 the new station.

7 He had tried to bring my attention to the
8 public inspection file, but because back then I just
9 didn't know the significance of the public inspection
10 file, understand the purpose of it, and because it
11 just wasn't a part of what I expected Dave, in my
12 working relationship with him, to call to my
13 attention, I didn't do anything with it at the time.

14 JUDGE SIPPEL: It's a quarter of eleven,
15 and if the witness -- are you all right to go forward?
16 Do you want to take a break or anything? Are you
17 okay?

18 THE WITNESS: Yes, I'm okay.

19 JUDGE SIPPEL: Okay. Let's go forward.

20 MR. SHOOK: Now what we're going to bring
21 to your attention, Mr. Ramirez, is the declaration
22 that Dave Evans signed, apparently on October 28,

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1 1997, and for everybody's recordkeeping purposes, I
2 have this exhibit as part of Bureau Exhibit 5, pages
3 42 and 43.

4 Initially, we had only a truncated
5 Petition to Deny and subsequently, because of the way
6 the admission session worked out, we now have the
7 entire Petition to Deny, and that should be where the
8 -- how the new pages are numbered.

9 MR. PRICE: Can you just tell me what page
10 of --

11 MR. SHOOK: Now in terms of the old -- the
12 initial version of our exhibit, that would be pages 13
13 and 14.

14 MR. PRICE: Actually, I have a new
15 document.

16 MS. LEAVITT: 42 and 43 of the complete
17 Petition to Deny.

18 MR. PRICE: Thank you very much.

19 MR. SHOOK: Okay. Is everybody at the
20 same place?

21 MR. PRICE: You can go ahead. I'm
22 familiar with it.

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1 BY MR. SHOOK:

2 Q Okay. Now in his declaration, Mr. Evans
3 makes a number of statements, and I'm going to ask you
4 some questions about them.

5 During this August '96 meeting with you,
6 did he tell you that the public file was a mess?

7 A Again, it's hard to remember today what he
8 told me, because this is almost ten years ago, and my
9 memory of what happened in this meeting is as vague as
10 it was back when I wrote my declaration in 1998.

11 I mean, I do remember that he said something
12 about the public inspection file, and wanted to bring
13 it to my attention, but I just don't -- I can't
14 remember what it is he told me.

15 Q Now do you have any reason to doubt that
16 he told you that the public file was amiss?

17 A Again, I have a vague memory seeing his
18 affidavit back when it was -- back when it came in
19 with the GCPR petition, and today I remember that we
20 did -- in that meeting he did say something about a
21 public inspection file. But I don't remember what it
22 is that he exactly said.

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1 Q Okay. So you don't remember whether or
2 not he told you that ownership reports hadn't been
3 filed?

4 A No, I don't even remember that.

5 Q Do you remember whether he told you
6 anything about Quarterly Issues Reports, whether they
7 had been filed or not?

8 A No, I don't remember that.

9 Q Now as a consequence though of the meeting
10 that you did have with Mr. Evans, where the public
11 file was mentioned, was there anything that you did
12 about the public file at that time?

13 A No, I didn't do anything.

14 Q Now other than the August 1996 meeting,
15 which is referenced, not only in Mr. Evans's
16 declaration, but is also referenced in your
17 declaration of January 1998. Did Dave Evans ever
18 raise with you again the condition of the public
19 inspection file?

20 A No, I don't remember him ever doing that.

21 Q How long after you became General Manager
22 -- now you had mentioned that you had met Alan Farley

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1 before you became general manager, correct?

2 A Right, at the interview panel.

3 Q All right, now during your tenure as
4 General Manager, about how often would you interact
5 with Alan Farley?

6 A Almost daily, when he was there at the
7 station and we would pass in the hallway, I'd give him
8 feedback, told me it sounded great. "Got to keep your
9 announcers puffed up."

10 So yes, every day, I mean, my on-air
11 people, especially those prime time folks, I had to
12 make it a point to let them know that they were doing
13 a great job, sounded great, so it would have been
14 pretty much every day.

15 Q So how would you describe your
16 relationship with Alan Farley?

17 A I think I had a good relationship with
18 Alan Farley. Alan Farley was -- he had worked in San
19 Francisco radio for a long time. He had great
20 connections in the arts and culture community. He
21 knew folks at the opera, at the symphony, in the
22 theatre. He played a key role in the Fine Arts

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1 Program that we produced. He was good to work with.

2 Q Now did there come a time when you learned
3 that Alan Farley hosted a program called "Book Talk?"

4 A Yes, I knew Alan produced that program.

5 Q Approximately when did you learn that?

6 A I don't remember when. I don't remember
7 exactly when I learned that. It's just one of those
8 things that I know.

9 Q Well, what I'm getting at really is you
10 know Alan Farley, you talk to him all the time. He's
11 at the station on a daily basis. The "Book Talk"
12 program, this is something you would have learned
13 about within, I think, a very short period of time
14 after your becoming General Manager?

15 A Yes, again, I remember it was a program
16 that the station was already producing. So it would
17 have been on the program schedule, and so I imagine
18 that my first recognition or awareness that we had a
19 program called "Book Talk" would have been looking at
20 the program schedule, and saying, "Okay, we have a
21 show called Book Talk."

22 Then soon thereafter finding out that if

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1 Alan's name wasn't listed in the program guide as the
2 host of the program, that I pretty much found out soon
3 thereafter, that, okay, Alan produces "Book Talk."

4 Q Is "Book Talk" a program that you remember
5 listening to at all?

6 A I don't have a specific recollection of
7 listening to the program.

8 Q I mean, Alan Farley was a pretty busy man.
9 He had multiple programs, so in that sense, it could
10 be a little difficult to keep track of the various
11 programs that he had.

12 A Yes.

13 Q But you do remember a program called "Book
14 Talk" though?

15 A Yes, I'm remembering that Alan had a
16 segment on the station where he would interview
17 authors and they would talk about books, yes.

18 Q Now do you have any recollection as to
19 whether or not you listened to the program, "Book
20 Talk" before the station filed its 1997 Renewal
21 Application?

22 A No, I don't have any specific

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1 recollection. I mean, I listen to the station all the
2 time. I'm just like -- when I listen to the station,
3 I'm just like any listener, it's all NPR to me.

4 Q As opposed to all Greek?

5 A Yes, well, sometimes it was Greek.

6 Q Now since you mentioned that "Book Talk"
7 was a program that was already in place when you
8 became General Manager, would it be fair to assume
9 that you had listened to "Book Talk" at least several
10 times before the Renewal Application was filed?

11 Because I think you came in August of '96,
12 and the Renewal Application was filed almost a year to
13 the day later. So during that first year, I take it
14 you would have listened to "Book Talk?"

15 A Yes, I mean, I hope it doesn't sound like
16 I'm struggling too much with the concept of listening
17 to "Book Talk," because to the degree that I was there
18 at my office and I had the radio on. Whether I was
19 actually listening to the station or if it was on, I'm
20 sure I caught it from time to time.

21 But it's just, it's like saying -- it's
22 like asking if I listen to the Morning Edition. Yes,

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1 I listen to Morning Edition, but it's just on.

2 So I just want to make sure I'm answering
3 the question correctly when you asked me if I listened
4 to "Book Talk." Yes, it was on -- my radio was on.

5 Q Well, during that year period before the
6 Renewal Application was filed; do you have any
7 recollection as to whether you thought "Book Talk"
8 addressed issues of importance to the local community?

9 A No, I don't remember. I don't know.

10 Q Are you familiar with the exhibits that
11 the School District is proffering in this proceeding,
12 relative to the programming that it believed was of
13 significant importance to the local community during
14 your tenure as General Manager?

15 A I don't think I am. No.

16 Q Okay. Because one of the programs listed
17 in there was "Book Talk."

18 A Okay.

19 Q Did there come a time when you learned
20 that Mr. Farley hosted "My Favorite Things?"

21 A Oh, yes.

22 Q And was that a program that you listened

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